

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Dartez Tremayne DOWNS

Case: 2:22-mj-30418
Case No. Assigned To : Unassigned
Assign. Date : 10/3/2022
Description: CMP USA v. DOWNS
(SO)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 26, 2022 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

18 U.S.C. 922(q)(2)(A)

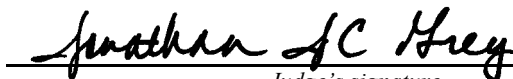
Discharge firearm in school zone

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*Special Agent Kenton Weston - ATF*Printed name and title*

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: October 3, 2022City and state: Detroit, Michigan*Judge's signature*Honorable Jonathan J.C. Grey, U.S. Magistrate Judge*Printed name and title*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kenton Weston, being first duly sworn, hereby state:

INTRODUCTION

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since January 2018. I am currently assigned to the Detroit Field Division Pontiac Satellite Office, Gun Violence Task Force (GVTF), where I am tasked with investigating violent firearm violations of federal firearm laws. I have been involved in dozens of investigations involving violent crimes, which have resulted in the seizure of hundreds of firearms and over one hundred arrests. In addition, I have graduated from the Federal Law Enforcement Training Center and ATF Special Agent Basic Training.

2. This affidavit is made in support of an application for a criminal complaint for Dartez Tremayne DOWNS (XX/XX/1991).

3. I have probable cause to believe that DOWNS, who knew he was a convicted felon, knowingly possessed a firearm, which traveled in interstate commerce, in violation of 18 U.S.C. § 922(g)(1). Additionally, DOWNS possessed and discharged a firearm, that he had reasonable cause to believe

was in a school zone, in violation of 18 U.S.C. § 922(q)(2)(A).

4. I make this affidavit based on my participation in this investigation, witness interviews conducted by myself and other law enforcement agents, reports from other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

5. The information in this affidavit is for the limited purpose of establishing probable cause and does not contain all details or all facts relating to this investigation.

PROBABLE CAUSE

6. On September 26, 2022, Oakland County Sheriff's Office (OCSO) was dispatched to Crossroads for Youth in Oxford Township, located in the Eastern District of Michigan, for shots fired in progress.

7. Crossroads for Youth is a private facility and is licensed childcare facility by the State of Michigan. The facility contracts directly with the court to provide the Achievement Center Program, which is a four and a half month program for 15-17 year old males. The Achievement Center provides the attendants education and GED prep that is offered by Oxford Community

Schools. The program emphasizes self-control and shaping behavior, along with group and family therapy. When a guest arrives at the facility a sign displays “Crossroads for Youth School.”

8. Per witnesses on scene, DOWNS got into a physical altercation with a juvenile victim (17 years old) in the parking lot of the facility and that later resulted in DOWNS shooting a firearm.

9. Per the victim, DOWNS drove the victim’s mother, Shaunita Pitts (XX/XX/1982), the mother of the victim’s child, and the victim’s infant child to Crossroads for Youth in a green Dodge Challenger for a visit. When the victim learned that DOWNS drove and was at the facility, the victim went to confront DOWNS. The victim explained that DOWNS had recently assaulted Ms. Pitts. A search of the Law Enforcement Information Database (LEIN) revealed on August 1, 2022 a Personal Protection Order had been filed against DOWNS due to a previous Domestic Violence incident with Ms. Pitts. During the confrontation, DOWNS and the victim exchanged punches. The fight was broken up by staff, DOWNS went to the driver’s side of a green Dodge Challenger while the victim went back into the facility. Moments later, the victim exited the facility and approached DOWNS, who was inside the vehicle. The victim observed the driver’s side window roll down and an

opened driver's side door. The victim heard their mother yelling "Stop! That's my baby!" As the victim began to return to the facility, DOWNS produced a firearm and fired at least one shot. DOWNS fled from the facility in the Dodge Challenger. Ms. Pitts was in the passenger seat.

10. Shortly after the shooting incident, an OCSO deputy executed a traffic stop of the Dodge Challenger. During the stop Ms. Pitts, a valid CPL holder, was in the driver's seat and DOWNS in the passenger seat. When the deputy asked Ms. Pitts for her identification she handed him a pink purse and stated, "it's in the purse." The deputy observed a black SCCY CPX1 9mm handgun in the purse that, per LEIN, is registered to Ms. Pitts.

11. Prior to being towed, an inventory search of the Dodge Challenger was conducted. During the inventory, a deputy located a spent 9mm fired cartridge casing on the floorboard behind the passenger seat.

12. I reviewed DOWNS' Computerized Criminal History (CCH) which revealed DOWNS is a multi-convicted felon who has the following current criminal history:

- a. On October 19, 2012 in Michigan's 3rd Circuit Court DOWNS pled guilty to Attempt – Felony Controlled Substance- Del/MFG (Cocaine, Heroin or another Narcotic) less than 50 grams

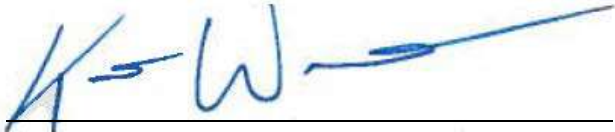
- b. On May 19, 2014 in Michigan's 36th district court DOWNS was charged with misdemeanor domestic violence but the charges were dismissed
- c. On August 11, 2016 in Michigan's 16th Circuit Court DOWNS pled guilty to Felony Larceny from a motor vehicle
- d. On March 29, 2017 in Michigan's 3rd Circuit Court DOWNS pled guilty to a two separate incidents
 - i. Felony Failure to Stop at Scene of Accident Resulting in Serious Impairment/ Death (Arrested 09/04/2014)
 - ii. Felony Stolen Property \$1,000 or more less than \$20,000 (Arrested on 02/26/2015)

13. On October 1, 2022, I contacted Special Agent Kevin Rambus, an ATF Interstate Nexus Expert, and gave him a verbal description of the firearm. Based upon the verbal description, Special Agent Rambus advised that the firearm is a firearm as defined under 18 U.S.C. § 921. He also advised that the firearm was manufactured outside of the state of Michigan after 1898 and therefore had traveled in and affected interstate commerce.

CONCLUSION

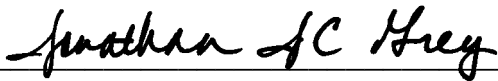
14. There is probable cause to believe that on September 26, 2022, within the Eastern District of Michigan, Dartez DOWNS, who knew he was a convicted felon, knowingly possessed a firearm, which had traveled in interstate commerce, in violation of 18 U.S.C. § 922(g)(1) and discharged that firearm in a school zone in violation of 18 U.S.C. § 922(q)(2)(A).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K-W", followed by a horizontal line.

Kenton Weston, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my
presence and/or by reliable electronic means

A handwritten signature in black ink, appearing to read "Jonathan J.C. Grey", followed by a horizontal line.

Hon. Jonathan J.C. Grey
United States Magistrate Judge

Date: October 3, 2022